



A PUBLICATION FOR DAVIS-MONTHAN AIR FORCE BASE



MILITARY JUSTICE MONTHLY

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NONJUDICIAL PUNISHMENT & ADMINISTRATIVE DISCHARGES

ARTICLE 15 ACTIONS

During September 2014, DM commanders administered six non-judicial punishment actions under Article 15 of the UCMJ. The punishments imposed reflect the commander's determination of an appropriate punishment after considering the circumstances of the offense(s) and the offender's record. A "suspended" punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period usually lasts no longer than six months.

Providing Alcohol to a Minor -

An Airman First Class received a reduction to Airman (suspended), 30 days extra duty and a reprimand.

Underage Drinking - An Airman First Class received a reduction to Airman (suspended), 15 days extra duty and a reprimand.

Underage Drinking and False Official Statement - An Airman First Class received a reduction to Airman, 30 days extra duty and a reprimand.

Providing Alcohol to a Minor - A Senior Airman received reduction to Airman First Class (suspended), 30 days extra duty and a reprimand.

Identity Theft - A Senior Airman received a reduction to Airman First Class, forfeiture of \$1,017.00 pay (suspended) and a reprimand.

False Official Statement - A Staff Sergeant received a reduction to Senior Airman (suspended), 5 days extra duty and a reprimand.

ARTICLE 15 PROCESSING GOAL

The Air Force goal is to process 80% of all nonjudicial punishment actions within 30 calendar days. In September, DM commanders met that goal with **83% (5/6)** of nonjudicial punishment actions completed within 30 calendar days. That said, DM's year-to-date is **72%**. Below is a comparison of DM's year-to-date completion percentage to other 12 AF bases.

ARTICLE 15 PROCESSING - 2014 12 AIR FORCE BASES

Holloman	(29/33)	88%
Dyess	(56/69)	81%
Ellsworth	(42/57)	74%
Mt Home	(22/30)	73%
DM	(43/60)	72%
Offutt	(35/53)	66%
Beale	(20/31)	65%

ADMINISTRATIVE DISCHARGES

During September 2014, DM commanders processed ten enlisted and one officer administrative discharges. Nine cases were notification (not board-entitled) cases and two cases were board-entitled cases. The processing time goals for administrative discharges according to AFI 36-3208, Table 6.4, are: 15 duty days from date of discovery for notification cases, 50 duty days for board cases, and 25 duty days for board

MILITARY JUSTICE POCs

Courts/Investigations

Capt Jasmine Candelario (228-3166)
SSgt Libertyann Kehr (228-4550)
SSgt Phillip Webb (228-6437)
SrA Diego Bermudez (228-1397)
A1C Leo Tanja (228-3689)

Adverse Actions (Art. 15)

Capt Trenton White (228-6444)
SSgt Brandy Will (228-0664)

Discharges/Demotions

Capt Nelson Faerber (228-3162)
Ms. Janice Meindl (228-3168)

Area Defense Counsel

Capt Christie Jones
Capt Jenny Liabenow
TSgt Sarah Swift (228-5664)

Contact the on-call JAG through the
Command Post—228-7400

DUIs at DM

Unit	2013	2014
355 MXG	9	11
355 MSG	3	5
355 FW	1	1
355 MDG	0	1
355 OG	0	1
12 AF	4	2
TENANTS	18	4
TOTAL	35	25

Year to date as of 30 September

The Air Force goal is to process 80% of all notification cases in 15 duty days. 80% of board cases in 50 duty days. 80% of board waiver cases in 25 duty days

In September, DM commanders met that goal with **89% (8/9)** of notification discharges completed within 15 duty days. DM's year-to-date is **87%**. Below is a comparison of DM's year-to-date completion percentage to other 12 AF bases.

DISCHARGE PROCESSING - 2014 12 AIR FORCE BASES		
Beale	(32/33)	97%
Holloman	(32/34)	94%
Dyess	(48/53)	91%
Mt Home	(28/32)	88%
DM	(48/55)	87%
Ellsworth	(20/23)	87%
Offutt	(19/27)	70%

Board Cases:

0% Compliant in September 2014

DISCHARGES—BREAKDOWN BY TYPE

Notification Cases: 9

Drug Abuse - 1
Misconduct - 5
Mental Disorder - 2
Failure to Perform Duties - 1

Board Cases: 1

Misconduct - 1

Officer Cases: 1

Misconduct - 1

Article 138 Complaints

Purpose: Article 138 of the Uniform Code of Military Justice gives every member of the Armed Forces the right to complain that he or she was “wronged” by his or her commanding officer. The right even extends to those subject to the UCMJ on inactive duty for training.

Eligible Members: Article 138 Complaints may be submitted by any member of the Armed Forces who believes that they have been wronged by their commanding officer. These include acts that are in violation of laws or regulations that go beyond the legitimate authority of that commander, are arbitrary, capricious, or an abuse of discretion, or are clearly unfair.

Procedures: Article 138 Complaints must be filed within 180 days of the alleged wrongful act, in writing, along with supporting evidence, to the commander alleged to have committed the wrongful act. The commander receiving the complaint must promptly notify the member in writing whether the demand for redress is granted or denied. If the commander refuses to grant the requested relief, the member may submit the complaint, along with the commander's response, to the officer exercising general court-martial convening authority over the commander, within 90 days of notice of denial.

Does not apply to:

- ⇒ Acts or omissions affecting the member which were not initiated or ratified by the commander.
- ⇒ Disciplinary action under the UCMJ, including nonjudicial punishment under Article 15.
- ⇒ Actions initiated against the member where the governing directive requires final action by the SecAF.
- ⇒ Complaints against the general court-martial convening authority related to the resolution of an Article 138 complaint.
- ⇒ Complaints seeking disciplinary action against another member.
- ⇒ Complaints based on a commander's actions implementing the recommendations of a board.

References: Article 138, Uniform Code of Military Justice (UCMJ); AFI 51-904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice* (30 June 1994); Article 138 Complaints, *The Military Commander and the Law* (2012)

Lunch & Learn Training

Advanced NJP (Set Asides/ Vacations / Mitigation) —Friday, 14 Nov, 1200-1300, Courtroom

Article 31 Rights Advisement—Friday, 12 Dec, 1200-1300, Courtroom

COURTS-MARTIAL AT DAVIS-MONTHAN AFB

Lieutenant Colonel Michael Morris - 612 AOC, was tried by General Court-Martial on 4 September 2014. He was charged with driving under the influence and reckless driving. He was found guilty of driving under the influence. Lt Col Morris was sentenced by a military judge to 5 days confinement.

All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>. View sexual assault convictions by the Air Force at <http://www.afjag.af.mil/shared/media/document/AFD-130917-061.pdf>